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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,440	03/15/2001	Gareth Hougham		4926

7590 01/28/2004
Thomas A. Beck
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New Milford, CT 06776

EXAMINER

FONTAINE, MONICA A

ART UNIT PAPER NUMBER

1732

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,440

Applicant(s)

HOUGHAM, GARETH

Examiner

Monica A Fontaine

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

This office action is in regards to the Response filed 3 November 2003.

The following objection has been overcome, due to cancellation of the claim:

A. Claim 3

It is noted that on the first page of the paper filed 3 November 2003, it is written that Claims 1 and 2 were amended on the pages in the attached appendices. However, no amendments to claims 1 and 2 have been found. Amendments to claims 7 and 8 were found in the appendices. The examiner is interpreting the allusion to amended claims 1 and 2 as a typographical error that should have named claims 7 and 8 instead.

Claim Objections

Claim 7 is objected to because of the following informalities: There is no punctuation at the end of the claim, nor is there a reference to an independent claim on which it depends. For purposes of examination, Claim 7 will depend on Claim 1, as was the case in all previous claim listings. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (U.S. Patent 6,355,198), in view of Rosato's Injection Molding Handbook (3rd ed.), as stated in the paper mailed 30 July 2003.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Rosato, further in view of Kumar (U.S. Patent 5,512,13), as stated in the paper mailed 30 July 2003 (but incorrectly listed with the group rejected with Kim and Rosato only).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Rosato as applied to claims 1 and 6 above, and further in view of Sangokoya (U.S. Patent 5,731,253), as stated in the paper mailed 30 July 2003.

Response to Arguments

Applicant's arguments filed 3 November 2003 have been fully considered but they are not persuasive.

Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach maintaining a precise dimension during a two-phase curing process. This is not persuasive because the limitation of maintaining a precise dimension throughout the curing process is not claimed.

Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach using siloxane rubber. This is not persuasive because the limitation of using siloxane rubber is not claimed. Nevertheless, Kim does teach the general use of siloxanes (Column 11, lines 38-57; Column 12, lines 7-15).

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Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach minimizing pattern distortion. This is not persuasive because the limitation of minimizing pattern distortion is only recited in the preamble of the independent claim. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach using an enclosed mold for the hardening processes. This is not persuasive because the limitation of using an enclosed mold is not claimed.

Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach the kind of hardening which applicant is claiming. This is not persuasive because although Kim includes examples using sol-gels, he clearly states that his disclosure is easily applicable and modifiable, by those of skill in the art, to polymers such as siloxanes (Column 11, lines 38-44, 54-57; Column 12, lines 7-10), and therefore his two-step hardening step would suggest a two-step curing process when using siloxanes.

Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach forming a flexible or soft elastomer stamp. This is not persuasive because a flexible or soft elastomer stamp is not claimed.

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Applicant contends that the Kim, Kumar and Rosato documents do not teach the invention because Kim does not teach the prevention of permanent shrinkage. This is not persuasive because the prevention of permanent shrinkage is not claimed.

Applicant contends that the Sangokoya document does not teach the invention because he does not teach maintaining a precise dimension during a two-phase curing process. This is not persuasive because the limitation of maintaining a precise dimension throughout the curing process is not claimed.

Applicant contends that the Kim and Sangokoya documents do not teach the invention because he does not teach the same class of materials as applicant. This is not persuasive because in the current independent claim, the only limitation on material of use is "an elastomer reactive mix" which can be interpreted very broadly to be a wide range of materials. Even so, both Kim and Sangokoya are applicable to types of siloxanes, a more specific group of materials mentioned in subsequent dependent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.

Maf

January 15, 2003


MICHAEL COLAIANNI
PRIMARY EXAMINER